UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK JEFFREY SIMPSON, individually and derivatively, as managing member of JJ ARCH LLC, suing derivatively as: managing member of ARCH REAL ESTATE HOLDINGS LLC, and JJ ARCH LLC, Case No.: 1:25-cv-04004 (LTS) Plaintiff, - against -NOTICE OF MOTION FOR EXPEDITED REMAND, JARED CHASSEN, FIRST REPUBLIC BANK **COSTS AND ATTORNEY'S** Defendants FEES, SANCTIONS, CIVIL CONTEMPT, AND **IMMEDIATE INJUNCTIVE** RELEIF ENFORCING **COURT ORDERS**

PLEASE TAKE NOTICE that upon the declaration of Allen Schwartz, Esq. sworn to on May 27, 2025, the annexed declaration of Jared Chassen sworn to on May 27, 2025, the annexed memorandum of law, and upon all pleadings and proceedings had herein, Defendant Jared Chassen will move this Court, before the Honorable Laura Taylor Swain, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York, 10007 on a date and at a time to be designated by the Court, for an Order (1) pursuant to 28 U.S.C. § 1447, granting an expedited remand of this action to the New York State Supreme Court, County of New York, Commercial Division ("Commercial Division") for lack of federal subject matter jurisdiction and failure to comply with the requirements for removal mandated by 28 U.S.C. § 1446; (2) pursuant to 28 U.S.C. § 1447, and the Court's inherent powers, imposing sanctions, including the imposition of costs and attorney's fees, against Plaintiff Jeffrey Simpson ("Simpson") and his counsel Benjamin Rajotte, Esq. ("Rajotte"), incurred as a result of this

removal; (3) pursuant to the Court's inherent powers, enjoining Simpson from any further removal of this proceeding without the prior permission of this Court; (5) holding and adjudging Simpson and Rajotte in civil contempt of the Commercial Division's March 11, 2025 Order Appointing a Temporary Receiver and the Commercial Division's May 13, 2025 Decision and Order and May 12, 2025 Order Compelling Jeffrey Simpson to Comply with the Receivership Order and Directing Sherriff to Enforce Receivership Order (together the "Orders"), ordering Simpson be incarcerated until he complies with the Orders, and holding a hearing to adjudicate Chassen's damages as against Simpson and Rajotte and (6) granting an immediate injunction pending the hearing of this motion enforcing the Orders and directing the United States Marshal's Service to enforce the Orders; and (7) granting such other and further relief this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to S.D.N.Y Local Rule 6.1, and the Court's Individual Rules, unless otherwise directed by the Court, any opposing affidavits or answering memoranda must be served within fourteen (14) days of service of the moving papers, and any reply must be served within seven (7) days of service of any answering papers.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Individual Rule 2(b)(ii), the undersigned hereby certifies that he used his best efforts to resolve informally the matters raised in this motion, which efforts were unsuccessful.

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Dated: New York, New York May 27, 2025 SCHWARTZ LAW PLLC

By: <u>/s/ Allen Schwartz</u>
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